



Patent Application No. 10/728,995
Customer Number: 42717

2811
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Bor-Wen Chan, et al. | § | Docket No.: | 24061.58 |
| | | § | | (TSMC2002-1399) |
| Serial No.: | 10/728,995 | § | | |
| | | § | Examiner: | Shouxiang Hu |
| Filing Date: | December 5, 2003 | § | | |
| | | § | Art Unit: | 2811 |
| For: | Microelectronic Device Having | § | | |
| | Disposable Spacer | § | Conf. No.: | 9115 |

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed August 18, 2004, applicant hereby elects, Group II, Claims 1-33, which is drawn to a method of making a semiconductor device. Applicant's election is made with traverse on the grounds that the embodiments delineated by the examiner are not patentably distinct and therefore constitute a single invention concept.

Furthermore, applicant elects Species 1, CF4. It is understood that all of the species can be allowed if the generic claim 1 is allowed. It is further noted that there are several claims in Group II that can be considered generic to the species delineated by the Examiner.

An early action on the merits is respectfully requested.

Respectfully submitted,

David M. O'Dell
Reg. No. 42,044

Date: 9-1-04

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date below.

Name

Bonnie Boyle

Date

9-1-04